

REMARKS

Responsive to the Examiner's Action of March 8, 2005, Applicant has amended the claims to more clearly define the invention and request reconsideration over the rejection over the Myers, et al. patent and over the Myers patent in view of the Murray patent.

Myers, et al. is a child's swing which has a frame with a pair of seat supporting arms suspended for swinging movement relative to the frame and has a seat mounted thereto. The support arms telescope so that the seat can be moved to vary the height of the seat. That is, this patent teaches a child's swing which has a seat that can be telescoped up and down. It does not teach an exercise apparatus but the child's swing does have an A-frame formed from two frame sections and the front legs can be folded inward. The child seat on the child's swing is supported on a support bar connected between the support arms to overall form a generally U-shaped swing portion. The support arms are supported in a motor housing supported on the frame so that a motor swings the child seated in the chair. The Myers, et al. patent does not have a pair of arms thereon attached to one end portion of a generally U-shaped swing portion as in the present claim 1 and as set forth in claim 10 but rather has a pair of handles attached to

the U-shaped swing portion for a child to hold onto. Thus, these arms cannot be used to swing the child especially since the child's swing is being actuated by a motor. In addition, the Myers patent does not have a pair of arms adjustably attached to one end of the generally U-shaped swing portion and extending therefrom to vary the position of the arms relative to each end portion of the generally U-shaped swing portion. There is no equivalent to the pair of arms in the Myers, et al. patent and there cannot therefore be any way to adjust the arms relative to the U-shaped portion. There are also no handles on the pair of arms since the handles in the Myers child's swing are on the equivalent of the U-shaped portion. In addition, the Myers, et al. child's swing does not include a leg exerciser attached to one of the frame sections and positioned for a person seated in the seat nor would it be obvious to add a leg exerciser to Myers, et al. since it is not an exercise apparatus but is a motor driven child's swing specifically designed to automatically swing a child and would thereby not be suitable for adding either a pair of arms for exercising the arms nor a leg exerciser attachment. Further, Myers, et al. does not provide for an adjustable back supporting member mounted thereto nor does it have a generally U-shaped swing portion seat having a foot supporting member mounted thereto, as set forth in claim 6.

Myers, et al. also does not have a leg exerciser, as set forth in claim 7, nor a removable foot support attached to the seat.

The Murray patent teaches a loop swing apparatus and is also not an exercise apparatus but rather is a portable swing having a triangular support frame with a top horizontal bar that provides a rotary axis for the swing that carries a rider.

The Lee patent is a body exerciser which has a frame having U-shaped first and second support frames that are connected pivotably to one another and a pair of walking units connected pivotably to the frame. Lee provides for a resistance force to be applied against the pivoting movement of the walking units. That is, a person walks on this unit while holding the handles.

The Myers, et al. patent is for a child's swing rather than an exerciser while the Murray patent is for a portable swing apparatus, neither of which is teaching an exerciser and it would be unobvious to combine these patents in any event and it would be unobvious to combine an exercise apparatus to the Myers, et al. patent, which is a motorized child's swing, and not suitable for exercising. In any event, such a combination would still not teach a pair of arms separate from the generally U-shaped swing portion and adjustably attached to the end portions of the generally U-shaped swing portion and extending therefrom in order to vary the

position of the arms relative to the generally U-shaped swing portion.

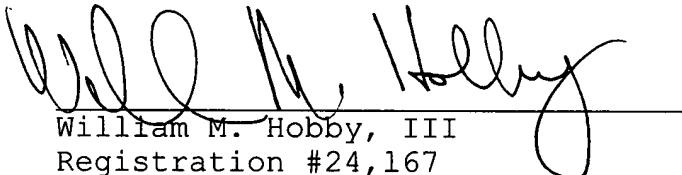
As in claim 1, the Myers and Murray patents do not teach an exercise apparatus in accordance with claim 10. Each of these patents provides a frame and the Myers, et al. patent provides a generally U-shaped swing portion when combining all the components of the seat support but does not provide for a separate pair of arms with each arm being adjustably attached to one end portion of the generally U-shaped swing portion and extending therefrom, as set forth in claim 10. Rather, Myers, et al. has a pair of handles for a child to hold onto attached to its generally U-shaped portion and is missing the pair of arms and the adjustability of the arms relative to the U-shaped swing portion. Nowhere is the combination of claim 10 provided in the prior art and it would be unobvious to combine the prior patents except in hindsight of the present application. In any event, the combination of Myers, et al. and Murray still does not teach an exercising apparatus in accordance with the claims. It would also be unobvious to attach a leg exerciser to a motorized child swing and specifically attach it to the base frame section positioned for a person seated in the seat to exercise the legs while exercising the arms, as set forth in claim 10. Similarly in claim 12, there is no foot supporting

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member as provided in claim 12 and it would be unobvious to add a leg exerciser adjustable to the frame of the child's swing, as set forth in claim 13.

Applicant would request reconsideration and allowance of the present application. The Examiner is requested to phone the undersigned attorney if this case can be expedited.

Respectfully submitted,

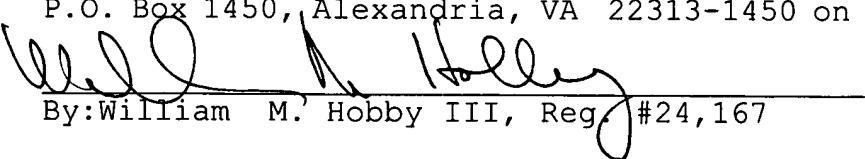


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